

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

RAMIRO DEL ANGEL	§	
v.	§	CIVIL ACTION NO. 6:05cv288
		(Crim. No. 6:03cr87-2)
UNITED STATES OF AMERICA	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Movant Ramiro Del Angel, proceeding *pro se*, filed this motion to vacate or correct his sentence under 28 U.S.C. §2255. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Del Angel was charged with possession with intent to distribute and distribution of methamphetamine. On February 25, 2004, he entered a plea of guilty, and on August 2, 2004, he received a sentence of 151 months in prison.

In his Section 2255 motion, Del Angel complains that he received ineffective assistance of counsel. The Government was ordered to respond to the motion and did so. Del Angel did not file a response to the motion.

The Magistrate Judge carefully reviewed the motion to vacate or correct sentence, the response filed by the Government, and the records in the criminal proceeding. After this review, on December 6, 2005, the Magistrate Judge issued a Report recommending that the motion to vacate or correct sentence be denied. A copy of this Report was sent to Del Angel's last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings

and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Magistrate Judge's Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled motion to vacate or correct sentence is hereby DISMISSED with prejudice. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 13th day of January, 2006.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**